

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**LINDSEY KENT SPRINGER,**

**OSCAR AMOS STILLEY,**

**Defendants.**

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**Case No. 09-CR-043-SPF**

**UNITED STATES' REQUEST FOR EXTENSION OF TIME TO RESPOND AND  
MOTION FOR RECONSIDERATION OF ORDER GRANTING DEFENDANT  
SPRINGER'S FOURTH MOTION FOR BILL OF PARTICULARS**

The United States of America, by and through its attorneys, Thomas Scott Woodward, Acting United States Attorney for the Northern District of Oklahoma, and Kenneth P. Snoke, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant U.S. Attorney, hereby requests an extension of time to respond to Defendants' Fourth Motion for Bill of Particulars (doc. 166) which, as noted by the Court, was filed well out of time. The United States erroneously understood from the Court's previous order that such untimely motions would not be considered by the Court, and accordingly focused on filing the United States' responses to motions in limine and for Rule 17(b) subpoenas. Given that the Court has required a response, the Government requests reconsideration of the Court's order dated October 8, 2009 (doc. no. 184), and hereby responds.

Defendant Springer's Fourth Motion for Bill of Particulars requests that the Government address a brief parenthetical phrase found on page twelve of the Government's trial brief. Such a request is well beyond any known basis for a bill of particulars. As noted previously in the Government's Consolidated Response (doc. no. 42) and Response in Opposition to Motion for Bill of Particulars (doc. no. 97), the function of a bill of particulars is very limited as to both scope and purpose. The charges in the Indictment are clear, and the Government previously identified the law mandating the requirement to file a tax return. Doc. no. 104.

As with Defendants' earlier Motions for Bill of Particulars (Doc 8 and 33), Defendants' request is improper. *See Depew v. United States*, 50 F.Supp.2d 1009, 1014 (D. Colo. 1999). As the district court judge stated recently in *United States v. McCumber*, 2009WL700618 (D.Kan. March 17, 2009) (citations omitted):

The purpose of a bill of particulars is to inform the defendant of the charges against him with sufficient precision to allow him to prepare his defense. A bill of particulars is not necessary if the indictment sets forth the elements of the offense charged and sufficiently apprised the defendant of the charges' against him.

As previously articulated in the United States' pleadings, "the requirement to file a tax return is mandated by statute, not by regulation." *See United States v. Wunder*, 919 F.2d 34, 38 (6<sup>th</sup> Cir. 1990); *see also United States v. Dawes*, 951 F.2d 1189, 1191 (10<sup>th</sup> Cir. 1991). The regulations promulgated serve only to clarify the statutory duty to file. The United States does not intend to introduce regulations into this trial. The United States anticipates that all information regarding the law will come from the Court.

Based on the foregoing, the United States requests that the Court reconsider its order, and that the Court deny Defendant Springer's Fourth Motion for Bill of Particulars.

Respectfully submitted,

THOMAS SCOTT WOODWARD  
ACTING UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of October, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Lindsey Kent Springer  
Defendant

Oscar Amos Stilley  
Defendant

Robert Williams  
Standby Counsel assigned to Lindsey Kent Springer

Charles Robert Burton, IV  
Standby Counsel assigned to Oscar Amos Stilley.

/s/ Charles A. O'Reilly  
Trial Attorney, Dept. of Justice